

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

BETTY ANN SCHULTZ, )  
                        )  
Plaintiff,           )      **Civil Action No. 7:12cv511**  
v.                    )  
                        )  
CAROLYN W. COLVIN, )      By:   **Michael F. Urbanski**  
Acting Commissioner of Social Security, )      **United States District Judge**  
                        )  
Defendant.           )

**ORDER**

This matter was referred to the Honorable Robert S. Ballou, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(B), for proposed findings of fact and a recommended disposition. The magistrate judge filed a report and recommendation on January 27, 2014, recommending that plaintiff's motion for summary judgment be denied, the Commissioner's motion for summary judgment be granted and the Commissioner's final decision be affirmed. Plaintiff has filed objections to the report and recommendation.

Plaintiff objects on the basis that the magistrate judge erred in failing to consider (1) the amount and frequency of treatment for plaintiff's medical conditions; (2) plaintiff's obesity; and (3) plaintiff's advanced age. The court has reviewed the magistrate judge's report, the objections to the report, and the pertinent portions of the administrative record and, in so doing, made a de novo determination of those portions of the report to which the plaintiff objected. The court finds that the magistrate judge was correct in concluding that there is substantial evidence in the record to support the ALJ's determination that plaintiff was capable of performing light work with limitations, could return to her past relevant work as a real estate sales agent, household appliance salesperson, mortgage clerk, and secretary, and that she is not disabled. Accordingly,

the court accepts the magistrate judge's recommendation that the Commissioner's decision should be affirmed.

It is therefore **ORDERED** and **ADJUDGED** that plaintiff's motion for summary judgment (Dkt. No. 10) is **DENIED**, the Commissioner's motion for summary judgment (Dkt. No. 12) is **GRANTED**, the report and recommendation (Dkt. No. 16) is **ADOPTED in its entirety**, the Commissioner's decision is **AFFIRMED**, and this matter is **STRICKEN** from the active docket of the court.

The Clerk is directed to send a certified copy of this Order to all counsel of record.

Entered: February 21, 2014

*/s/ Michael F. Urbanski*

Michael F. Urbanski  
United States District Judge